

P.O. Box 942883  
Sacramento, CA 94283-0001



July 1, 2013

## NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED

The full text of the amendments to the California Code of Regulations that concern Inmate Religious Property is provided in its original single underline and strikethrough format. Changes to this original text, which are being proposed in this notice, are indicated by **bold double underline** for additional added text and **~~bold double strikethrough~~** for deleted text to the originally proposed text. In addition to changes to the text, changes have been made to the Religious Property Matrix (RPM), incorporated by reference into these regulations. These proposed changes are being made available for public comment.

Many of the comments received during the public comment period indicated that the commenters assumed that the RPM contained the sum total of all religious property that would be allowed inside a prison (whether the artifact or item may be approved for personal or for congregate use). This is not the case. The RPM established approved religious property for personal use in inmate living areas. To minimize any confusion, the Department has changed the name of the RPM to the Religious Personal Property Matrix (RPPM). Artifacts and items for use in congregate and group religious settings will continue to be reviewed by each institution's Religious Review Committee, and stored while not in use according to local institution practice. The word "personal" has been added in the regulation text and Final Statement of Reasons where such clarification is helpful to reduce any confusion. The revision date of the Matrix has been changed from 12/1/12 to 6/27/13 to reflect that the original RPM is being revised through this public re-notice and re-named as the RPPM.

California Department of Corrections and Rehabilitation (CDCR) makes reasonable effort to provide for the religious and spiritual welfare of all interested inmates, such as by allowing inmates to possess approved religious personal property items subject to the terms of the RPPM. The Division of Adult Institutions (DAI) carefully reviewed the public comments received in response to these regulations to determine whether requested additional religious items would create a security risk, and it was determined that some of the requested religious items do not appear to present a security risk or raise any other legitimate concerns at this time, and therefore were included in the RPPM.

Other additions to the RPPM were added to further define an item and provide examples of property that falls into that category. Quantities of certain items were amended for similar reasons. Restrictions on the amount of herbs and powders that inmates are allowed to order per quarter were deleted to provide consistency and to help ensure that an individual inmate may order any amount up to the maximum allowable he/she can possess.

As determined by the CDCR, the attached text contains the following changes:

**Table Of Contents, Subchapter 2, Inmate Resources, Article 9, Personal Property, title heading is amended** to add the word “Personal” to “Religious Property.”

**Subchapter 2, Article 9 title is amended** to add the word “Personal” to “Religious Property.”

**Subsection 3190(b) is amended** to add the words “Personal” to “Religious Property” wherever it is referenced, to clarify that the items in this list are personal, not congregate, and are items inmates may have in their living quarters. In addition, text referencing the RPM was changed from “12/1/12” to reflect the new revision date of the RPPM, which now reads as “Revised 6/27/13.”

**Subsection 3190(i)(4) is amended** to add the word “Personal” to “Religious Property Matrix” to clarify that the items listed in the matrix are personal items inmates may have in their living quarters.

**Subsection 3334(g)(1)(B) is amended** to add the word “Personal” to “Religious Property Matrix” to clarify that the items listed in the matrix are personal items inmates may have in their living quarters.

**Subsection 3334(g)(1)(C) is amended** to add the word “Personal” to “Religious Property Matrix” to clarify that the items listed in the matrix are personal items inmates may have in their living quarters.

The 15-day comment period on these changes shall close on July 16, 2013. Submit any comments to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA, 94283-0001; fax to (916) 324-6075; or e-mail to [rpmb@cdcr.ca.gov](mailto:rpmb@cdcr.ca.gov) before the close of the public comment period. Comments must be received no later than 5:00 p.m. on July 16, 2013.

Only those comments relating directly to the enclosed post-hearing changes that are indicated by **bold double underline** or ~~**bold double underline**~~ will be considered.

*Original signed by:*

TIMOTHY M. LOCKWOOD, Chief  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation

Attachment

## 15-DAY RENOTICE TEXT OF PROPOSED REGULATIONS

In the following, bold double underline indicates additional text and bold ~~double strikethrough~~ indicates additional deleted text to the originally proposed text presented in the original single underline and strikethrough format.

### Title 15, Crime Prevention and Corrections

#### Division 3, Adult Institutions, Programs and Parole

**TABLE OF CONTENTS, Subchapter 2. INMATE RESOURCES, Article 9. Personal Property, title heading is amended to read:**

Personal Property and Religious **Personal** Property

#### Chapter 1. Rules and Regulations of Adult Operations and Programs

##### Article 1. Behavior

##### 3000. Definitions.

**Section 3000 is amended to read:**

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Religious ~~Artifact~~ Item means any bag, cross, medallion, totem, ~~bible~~, pipe, or other item in which the possessor places religious or spiritual significance.

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NOTE: Authority cited: Sections 2717.3, 3000.03, 5058 and 5058.3, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 646.9, 653m, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3550, 4570, 5009, 5054, 5068, 7000 et seq. and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Section 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Section 11007, Health and Safety Code; and *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH).

**Subchapter 2, Article 9 title is amended to read:**

Personal Property and Religious **Personal** Property

##### 3190. General Policy.

**Subsection 3190(a) is amended to read:**

(a) Inmates shall be permitted to possess in their quarters/living area, state-issued property items, and authorized personal/religious property items based upon privileges in section 3044 and/or assigned

security level and/or institution mission, and subject to disciplinary provisions in sections 3314 and 3315.

**Subsection 3190(b) is amended to read:**

(b) Specific items of personal and religious property shall be established by a consensus of individual facilities within each of five mission-based regions of the Division of Adult Institutions. ~~A~~ An Authorized Personal Property Schedule, identifying a list of allowable property, not including religious property, shall be developed and updated by each mission-based region no more frequently than twice yearly. Local exceptions to the individual mission-based property lists shall also be identified. All changes to the Authorized Personal Property Schedule shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11364).

The Religious **Personal** Property Matrix (~~12/1/12~~ **Revised 6/27/13**) identifies a separate list of allowable **personal** religious property, and is incorporated by reference. The Religious **Personal** Property Matrix shall be developed and updated by the Wardens Advisory Group/Religious Review Committee no more frequently than twice yearly. Local exceptions to the Religious **Personal** Property Matrix shall also be identified. All changes to the Religious **Personal** Property Matrix shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11364).

The following five mission-based regional property lists are incorporated by reference:

**Subsection 3190(b)(1) is amended to read:**

(1) Authorized Personal Property Schedule-Reception Centers (Rev. ~~2/1/08~~ 12/1/12). This personal property schedule applies to the following facilities:

**Subsections 3190(b)(1)(A) through 3190(b)(1)(I) are unchanged.**

**Subsection 3190(b)(2) is amended to read:**

(2) Authorized Personal Property Schedule-Levels I, II, III, Male Conservation Camps, California Out Of State Facilities (COCF) and Community Correctional Facilities (Rev. ~~2/1/08~~ 12/1/12). This personal property schedule applies to the following facilities:

**Subsections 3190(b)(2)(A) through 3190(b)(2)(DD) are unchanged.**

**Subsection 3190(b)(3) is amended to read:**

(3) Authorized Personal Property Schedule-Levels III and IV (Rev. ~~2/1/08~~ 12/1/12). This personal property schedule applies to the following facilities:

**Subsections 3190(b)(3)(A) through 3190(b)(3)(I) are unchanged.**

**Subsection 3190(b)(4) is amended to read:**

(4) Authorized Personal Property Schedule-High Security and Transitional Housing (Rev. ~~2/1/08~~ 12/1/12). This personal property schedule applies to the following facilities:

**Subsections 3190(b)(4)(A) through 3190(b)(4)(G) are unchanged.**

**Subsection 3190(b)(5) is amended to read:**

(5) Authorized Personal Property Schedule-Female Offenders Programs (Rev. ~~2/1/08~~12/1/12). This personal property schedule applies to the following facilities:

**Subsections 3190(b)(5)(A) through 3190(i)(3) are unchanged.**

**Subsection 3190(i)(4) is amended to read:**

(4) Religious Items, as listed within the Religious ~~Personal~~ Property Matrix ~~subject to approval by institutional Chaplain and designated custody staff.~~

**Subsections 3190(i)(5) through 3190(t) are unchanged.**

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2086, 2601, 5006 and 5054, Penal Code; *In re Alcalá*, Marin County Superior Court, No. 117925, December 20, 1984 and *Armstrong v. Davis Court Ordered Remedial Plan*, Amended January 3, 2001; *In re Armstrong*, N.D. Cal, No. C 94-02307, March 20, 1998.

### **Subchapter 3. INMATE ACTIVITIES**

#### **Article 1. Religious Program**

#### **3213. Stipulations Regarding Religious ~~Artifacts~~ Items, Sanctuaries, and Sacramental Wine.**

**Subsection 3213(a) is unchanged.**

**Subsection 3213(a)(1) is amended to read:**

(1) For any person to bring sacramental wine or any religious ~~artifact~~ item into a facility.

**Subsection 3213(a)(2) is amended to read:**

(2) For an inmate to be provided any religious ~~artifact~~ item.

**Subsection 3213(a)(3) is amended to read:**

(3) For an inmate to wear or carry an approved religious ~~artifact~~ item at any time other than during their regular religious or sweat events, or facility-approved special events.

**Subsection 3213(b) is amended to read:**

(b) Medicine bags shall be constructed of soft leather or other natural material without a lining and shall not exceed ~~4-1/2~~ 2 x 3 inches in diameter. The bag shall, in the presence of staff, either be closed with a drawstring or sewn shut in such a manner as to permit subsequent searches of the bag's contents by staff.

**Subsection 3213(c) is amended to read:**

(c) All religious ~~artifacts~~ items shall be subject to searches by staff.

**Subsection 3213(d) is unchanged.**

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code. Section 1996, Title 42, United States Code.

#### **Subchapter 4. GENERAL INSTITUTION REGULATIONS**

##### **Article 6.5. Behavior Management Unit**

##### **3334. Behavior Management Unit.**

**Subsections 3334(a) through 3334(g)(1)(A) are unchanged.**

**Subsection 3334(g)(1)(B) is amended to read:**

(B) Religious Medal and Chain, as identified within the Religious **Personal** Property Matrix ~~(not to exceed \$100 maximum declared value, chain not to exceed 18" in length, obtainable as a set only. Chains may not be purchased separately from medal), one.~~

**Subsection 3334(g)(1)(C) is amended to read:**

(C) Religious Items, as identified within the Religious **Personal** Property Matrix ~~(as approved by the local religious review committees, e.g., kufi caps, yarmulkes, prayer rugs, etc.).~~

**Subsections 3334(g)(1)(D) through 3334(k) are unchanged.**

NOTE: Authority cited: Section 5058 and 5058.3, Penal Code. Reference: Sections 5054, Penal Code.

## RELIGIOUS PERSONAL PROPERTY MATRIX

~~(12/4/12)~~ (Revised 6/27/13)

### RELIGIOUS PERSONAL PROPERTY FOR LEVEL I, II, III, IV, CAMPS, AND COMMUNITY CORRECTIONAL FACILITIES INMATES

- THE RELIGIOUS PERSONAL PROPERTY MATRIX APPLIES TO BOTH MALE AND FEMALE INMATES, AND REFLECTS PERSONAL RELIGIOUS PROPERTY THAT INMATES MAY POSSESS. CONGREGATE/GROUP RELIGIOUS ITEMS WILL BE DETERMINED BY THE LOCAL RELIGIOUS REVIEW COMMITTEE.
- RELIGIOUS TEXTS (I.E. TORAH, HOLY QURAN, VEDAS, POETIC EDDA, BIBLE, ETC.) SHALL BE PERMITTED AS AUTHORIZED IN CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 3190(i)(7).
- INMATES ARE ~~ONLY~~ PERMITTED PERSONAL RELIGIOUS ITEMS LISTED IN THIS MATRIX. FACILITIES MAY SUBMIT REQUESTS TO BE EXEMPTED FROM THE RELIGIOUS PERSONAL PROPERTY ITEMS DETAILED IN THIS MATRIX. REQUESTS SHALL BE SUBMITTED TO THE STANDARDIZED PROCEDURES UNIT WITH A COPY TO THE APPROPRIATE MISSION BASED ASSOCIATE DIRECTOR. ALL REQUESTS MUST INCLUDE RATIONALE AND SUPPORTING DATA. ~~EXEMPTIONS SHALL BE GRANTED ONLY IN RARE INSTANCES, IF AT ALL, BASED ON A COMPELLING INSTITUTIONAL NEED.~~
- INMATES ARE PERMITTED TO WEAR AND OR POSSESS ~~SOLID-COLORED~~ PERSONAL RELIGIOUS CLOTHING ITEMS ~~ONLY UNLESS OTHERWISE~~ AS INDICATED IN THIS MATRIX.
- INMATES ARE PROHIBITED FROM POSSESSING, USING, OR WEARING PERSONAL RELIGIOUS CLOTHING ITEMS IN ANY SHADE OF GREEN, BLACK, BROWN, TAN, RED, OR BLUE UNLESS OTHERWISE INDICATED. MULTICOLORED ITEMS SHALL NOT APPEAR TO BE PREDOMINANTLY ONE OF THE RESTRICTED COLORS PREVIOUSLY LISTED.
- INMATES ARE PROHIBITED FROM POSSESSING, USING, CREATING, OR WEARING PERSONAL RELIGIOUS CLOTHING ~~ITEMS~~ WITH HOODS, PICTURES, DECORATIVE ZIPPERS, INSIDE POCKETS, OR ZIPPED POCKETS.
- INMATES ARE PROHIBITED FROM POSSESSING, USING, CREATING, OR WEARING ANY ITEMS WITH ANY DESIGN, SIGN, SYMBOL, OR ILLUSTRATION IDENTIFIED AS BEING ASSOCIATED WITH A SECURITY THREAT GROUP.
- ALL INMATES ARE PROHIBITED FROM POSSESSING, USING, CREATING, OR WEARING ~~ANY~~ ITEMS WHICH ARE OBSCENE, AS DESCRIBED IN CCR, TITLE 15 SECTION 3008, OR WHICH HAVE LOGOS, CODED MESSAGES, LETTERING, PICTURES WHICH ADVERTISE OR DEPICT ALCOHOL, SECURITY THREAT GROUPS, PROFANITY, SEX, WEAPONS, DRUGS, OR DRUG PARAPHERNALIA.
- ~~THE RELIGIOUS PROPERTY MATRIX APPLIES TO BOTH MALE AND FEMALE INMATES, AND REFLECTS PERSONAL RELIGIOUS PROPERTY THAT INMATES MAY POSSESS. CONGREGATE/GROUP RELIGIOUS ITEMS WILL BE DETERMINED BY THE LOCAL RELIGIOUS REVIEW COMMITTEE.~~
- MALE INMATES SHALL NOT RECEIVE OR POSSESS ITEMS OF PERSONAL RELIGIOUS CLOTHING ~~ITEMS~~ DESIGNED AND MANUFACTURED SPECIFICALLY FOR WOMEN UNLESS AUTHORIZED FOR MEDICAL REASONS.
- DETERMINATIONS CONCERNING RELIGIOUS PERSONAL PROPERTY ITEMS FOR INDIVIDUAL INMATES IN SPECIALIZED HOUSING UNITS (ASU/PSU/SHU) MAY BE MADE ON A CASE-BY-CASE BASIS BASED UPON THE INMATE'S BEHAVIOR/MENTAL HEALTH STATUS/SAFETY/SECURITY NEEDS. DECISIONS MUST BE APPROVED BY THE RESPECTIVE HIRING AUTHORITIES OR DESIGNEES.

Item Description  With additional requirements and restrictions.	General Population			ASU/ PSU/SHU
	PRIVILEGE GROUP			
	A	B	C	D
<b>ALTAR CLOTH</b> - Maximum size 24" x 24". One item per inmate. White, <del>or light gray,</del> <del>only, or multicolored.</del>	1	1	1	0
<b>ASSORTED HERBS</b> - Mint, Cedar, Lavender, Sweet Grass, <del>and Sage, Bitterroot,</del> <del>Copal, Willow Leaves, Bear Root, and Sandalwood. Herb orders shall not exceed one</del> <del>ounce per quarter.</del> Combined total quantity limited to four ounces or less at any time.	4 OZ	4 OZ	4 OZ	0
<b>BEADED HEAD BAND, WRIST BAND, AND CHOKER</b> - Shall be multicolored. One of each item per inmate.	1	1	1	0
<b>BEADING MATERIALS</b> - Beads may be wood, plastic, or natural material (i.e. stone, bone, seed, etc.) no larger than 1/4" in diameter. Total quantity limited to 12 hanks. Finished items shall be multi colored. Sinew or String in rolls no greater than 50 feet in length. Needles, limited to 2 per inmate, size 10 and/or 12. Any misuse of beading materials may result in loss of this privilege.	12	12	12	0
<b>BOWLS /CHALICE</b> - 4" diameter wood or plastic.	12	12	12	0
<b>CHALK</b> - Limited to one box containing 12 sticks of white non toxic chalk.	1	1	1	0
<b>RELIGIOUS MEDALLION AND CHAIN</b> – Chain/Sinew/Leather not to exceed 24" in length, medallion (i.e. Thor's Hammer, Pentagram, Crucifix, Star of David, etc.) shall not exceed 1.5" in diameter, obtainable as a set only, value not to exceed \$100. One set per inmate.	1	1	1	1
<b>DEVOTIONAL SCAPULAR</b> – Cloth only, not to exceed 2" x 2".	1	1	1	0
<b>DREAM CATCHER</b> - Sinew/simulated sinew hoop shall not exceed 4".	1	1	1	0
<b>FEATHERS</b> - Bird feathers are allowed up to a maximum length of <del>42"</del> 16". Feathers from an eagle may be obtained only via the U.S. Department of the Interior.	612	612	612	0
<b>HEAD GEAR – Males</b> - Including, but not limited to: Yarmulke (kippah), Kufi, Bandana, Fez, Patka, Rastafarian Crown. Maximum size 24" x 24". Two per inmate. White, gray, or multicolored (no red or blue).	2	2	2	2
<b>HEAD GEAR – Females</b> - Including, but not limited to: Scarf, Hijab, Bandana. Maximum size <del>2444"</del> x <del>2466"</del> . Two per inmate. White, gray, or multicolored (no red or blue).	2	2	2	2
<b>MEDICINE BAG</b> - Shall not exceed 2" x 3". Soft leather or other natural material without a liner.	1	1	1	0
<b>MISWAK</b> - Small twig, not to exceed 7 1/2", used for oral hygiene.	12	12	12	0
<b>POWDERS</b> - (Drawing powder). Limited to eggshell powder. <del>Orders shall not exceed one ounce per quarter.</del> Total quantity limited to four ounces or less at any time.	4 OZ	4 OZ	4 OZ	0
<b>PRAYER BEADS</b> - e.g., Mala, Dhikr, or Rosary. Wood <del>or plastic, or natural material</del> (i.e. stone, bone, seed, etc.), <del>only</del> Chain, Sinew, or String not to exceed 24". Not to exceed \$25.00 in value.	1	1	1	1
<b>PRAYER/HOLY CARDS/DEITY PHOTOS</b> - Not to exceed 4" x 6".	10	10	10	0
<b>PRAYER OIL</b> - (Non alcoholic/non flammable oil). Allowable fragrances include: Kyphi, Frankinmyrrh, Sage, Cedar, Musk ( <del>any</del> ), <del>and</del> Lavender, <del>Sandalwood, and Rose.</del> <del>Orders shall not exceed one ounce per quarter.</del> Combined total quantity limited to four ounces or less at any time.	4 OZ	4 OZ	4 OZ	0
<b>PRAYER RUG /MAT</b> - 28" x 48" or smaller, <u>not to exceed 1/4" thick</u> . Rug may be multicolored (no red or blue).	1	1	1	1
<b>PRAYER SHAWL/SCARF (TALLIT) (i.e., Tallit, Khatas, etc.)</b> – White or light gray only ( <del>may have decorative embroidery trim and/or tassels</del> ).	1	1	1	1
<b>RUNE TILES/COWRIE SHELLS</b> - Runes/ <del>Cowrie</del> shells shall not to exceed 3/4" x 3/4". One set per inmate with instruction book. Set shall not exceed 25 pieces. Runes shall be wood, <del>or plastic, or natural material (i.e. bone, stone, etc.)</del> .	1 SET	1 SET	1 SET	0
<b>SEA SALT</b> - White or black. Combined total quantity limited to four ounces or less at any time.	4 OZ	4 OZ	4 OZ	0
<b>STONES</b> - Set of 5, no larger than 1" in diameter, or set of 10, no larger than 1/2" in diameter.	1 SET	1 SET	1 SET	0
<b>TALLIT KATAN/TSITSIT</b> - Worn under one's shirt. White or light gray only.	1	1	1	1
<b>TAROT/DIVINATION/RUNECARDS</b> - One set/deck per inmate.	1 SET	1 SET	1 SET	0
<b>TEFILLIN/PHYLACTERIES</b> - <u>Purchase value not to exceed \$300.00.</u>	1	1	1	0
<b>WAND</b> - Soft wood, not to exceed 7 1/2" long by 1/2" wide. If soft material is unavailable a pliable twig may be utilized.	1	1	1	0